

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KIMBERLY A. KERR,

Plaintiff,

-v.-

Civil Action No.
7:09-cv-1119 (GLS/VEB)

MICHAEL J. ASTRUE
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Conboy, McKay Law Firm
307 State Street
Carthage, New York 13619

LAWRENCE D. HASSELER, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

MARIA P. FRAGASSI
SANTANGELO, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed September 7, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

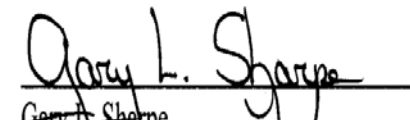
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed September 7, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Commissioner's decision denying disability benefits is REMANDED for further proceedings in accordance with the recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g), and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: September 30, 2010
Albany, New York


Gary L. Sharpe
U.S. District Judge